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The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

October 10, 2019

Dear Administrator Wheeler:

On September 26, you wrote to the Governor of California to express concern about, “numerous exceedances” of Clean Water Act discharge limits for major sources and noted that the violations were serious enough to, “suggest the need for more formal and in-depth EPA oversight.” We ask that you give equally close scrutiny to Clean Water Act violations at large municipal or industrial wastewater treatment plants in other states.

Attached you will find a list of 429 major sources that are currently in “significant noncompliance” for either discharging more pollution than their permits allow,<sup>1</sup> or failing to meet deadlines for complying with the conditions of permits or consent decrees. As you are aware, “major sources” include publicly owned sewage treatment plants that either discharge a million or more gallons of wastewater a day or serve populations of 10,000 or more, as well as industrial plants that meet certain criteria based on the amount and toxicity of their discharges.

The information in the attached relies upon the most recent discharge monitoring reports available through EPA’s online “ECHO” database. Table A lists the ten states with the largest number of major sources in significant noncompliance with permit limits or compliance schedules, and the median number of times each source has violated a pollution discharge limit within the past three years.

**TABLE A: Significant Noncompliance with Permit Limits or Compliance Schedules**

State	Number of Major Sources in Significant Noncompliance	Median Number Discharge Violations in past 3 years
OH	42	33.5
NY	37	23
IA	36	5
MO	33	21
TX	29	25
IN	23	12
CA	20	19.5
PA	17	31
CO	15	9
LA	12	47

<sup>1</sup> EPA has established criteria for determining when a violation of a pollution discharge amounts to “significant noncompliance.” For example, the category includes exceeding a limit on the monthly discharge of any pollutant in at least four out of six consecutive months. See second Tab for an explanation of the search criteria and relevant EPA definitions.

The major sources identified in the Attachment have violated permit limits for a variety of harmful pollutants that include pathogens (e-coli, fecal coliform, enterococci), heavy metals (e.g., arsenic, copper, lead, and mercury), oil and grease, pesticide byproducts, and ammonia and other substances that promote algae growth and rob waterways of oxygen needed to support aquatic life. Thirty of these major sources have violated their permit limits at least 100 times over the last three years (see Table B).

The Attachment does not include another 232 facilities currently identified as significant violators for failing to monitor or report discharges, because we understand that some may have reported monitoring results to state agencies that have not yet been shared with EPA. We hope that your plans for enhanced federal oversight include closing the chronic gaps in monitoring data from wastewater plants in some states.

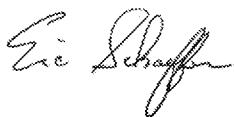
Your letter also cited several facilities in California that recently discharged toxic pollutants far above their permit limits. Assuming the data is correct, we agree that either the state or EPA should take appropriate enforcement actions to stop these illegal discharges. But we ask that you apply the same yardstick to other states, where violations of the same magnitude are a frequent occurrence. Here are a few recent examples from the ECHO database of serious violations by industrial sources:

- Buck Resource Recycling in Boss, Missouri, discharged wastewater with lead concentrations nearly 68 *thousand* times the allowable limit in February of 2019;
- The Eagle Natrium chemical plant in Marshall County, West Virginia, reported discharging mercury in concentrations nearly 12 times the allowable limit in the second quarter of 2019;
- The Javelina Gas plant in Corpus Christi reported discharging nearly three hundred times the maximum allowable daily concentration of copper on July 31 of this year.

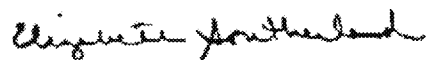
Finally, a 2014 report by EPA's Inspector General found that California and other states within Region 9 require publicly owned wastewater treatment plants (POTW's) to monitor the discharges of more than 100 specific toxic pollutants, compared to an average of four in all other states.<sup>2</sup> This "don't ask, don't tell" approach allows POTW's in most states to escape the kind of scrutiny applied to those in California, but leaves both EPA and the public in the dark about the type and amount of toxic pollution released from sewage treatment plants. EPA should follow up on the Inspector General's recommendations and require more comprehensive monitoring and disclosure of toxins in POTW discharges.

Thank you for considering our views.

Sincerely,



Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
Washington, DC



Betsy Southerland  
former Director of Science and Technology  
EPA Office of Water  
Washington, DC

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<sup>2</sup> "More Action is Needed to Protect Water Resources from Unmonitored Chemicals," Office of Inspector General, US EPA, Report No. 14-P-0363 (September 29, 2014), Fig. 3 at p. 12.

**TABLE B:**  
**Facilities with 100 or more pollution discharge violations in the last 3 years**

State	Facility	No. of Pollution Discharge Violations
WV	Martinsburg WWTP	371
LA	City of Franklin WWTP	361
LA	City of Oakdale	318
LA	City of Springhill	297
LA	City of Ponchatoula WWTF	229
GA	City of Atlanta - (R.M. Clayton, Utoy Creek, and South River WRCs)	217
CO	Fort Morgan Facility	210
OH	Reserve Environmental Services	209
TN	Lafayette STP	205
PA	New Castle San Auth/ STP	200
OK	Altus Se WWTP	174
WV	Natrium Plant	170
IN	Kendallville WWTP	169
KY	Morris Forman WQTC MSD	163
MA	Montague WPCF	155
WV	Kanawha Falls PSD	154
TN	Trenton STP	145
PA	Eastman Chemical Resins	137
MS	Morton POTW	134
AR	Great Lakes Chemical Corporation-Central Plant	121
MO	Dexter East WWTF	118
OK	Hugo Municipal Authority	117
MT	Western Sugar Cooperative	114
NJ	Woodcliff STP	113
IN	New Albany WWTP	103
NE	Western Sugar Cooperative	103
NY	Metropolitan Syracuse WWTP	103
MD	Mattawoman WWTP	102
AR	City of West Blytheville WWTF	100
MO	Former Madison Mine	100